

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CALVIN WILLIAM ROTH,
Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,
Respondent

CIVIL ACTION NO. 1:CV-00-1831

(Judge Rambo)

FILED
HARRISBURG, PA

JAN 12 2001

ORDER

MARY E. D'ANDREA, CLERK
Per mm
Deputy Clerk


Background

On October 16, 2000, the petitioner filed a document entitled "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody." The petition presents grounds attacking his conviction or the sentence imposed or both. The sentence was imposed by the Court of Common Pleas of York County, Pennsylvania. In accordance with United States v. Miller, 197 F.3d 644 (3d Cir. 1999) and Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000), the Petitioner is advised that (1) he can have the petition ruled on as filed, with the understanding that he may be barred from obtaining federal habeas review with regards to any claim not asserted therein, and lose his ability to file a second or successive petition absent certification by the Court of Appeals, or (2) withdraw his petition and file one all-inclusive § 2254

petition within the one-year statutory period prescribed by the Antiterrorism Effective Death Penalty Act.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Petitioner shall within 45 days of the date of this order complete and file with the court the attached Notice of Election.
2. Failure of Petitioner to comply with this order will result in the court ruling on the motion, document or pleading as captioned.


SYLVIA H. RAMBO
United States District Judge

Dated: January 12, 2001.

SR:jvw

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 12, 2001

Re: 1:00-cv-01831 Roth v. Commonwealth of PA

True and correct copies of the attached were mailed by the clerk
to the following:

Calvin William Roth
SCI-HOUTZDALE
CY-1623
P.O.Box 1000
Houtzdale, PA 16698-1000

cc:

Judge	(X)	
Magistrate Judge	()	
U.S. Marshal	()	
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
PRSLC	(X)	

MARY E. D'ANDREA, Clerk

DATE: January 12th, 2001

BY:


Deputy Clerk